## **REMARKS**

# 1. Status of the Claims

Claims 5–20 were pending in the application. Claims 5 and 15–20 have been cancelled without prejudice. Claims 6–14 have been amended to clarify the invention, and claims 21–27 have been added. Support for the claim amendments and new claims is found in the originally filed specification, including the originally filed claims. No new matter has been added. Upon entry of the present amendment, claims 6–14 and 21–27 will be pending.

# 2. The Double Patenting Rejection Should Be Withdrawn

Claims 5-20 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-4 of pending Application No. 10/542,168 to Kim *et al*.

Applicants respectfully traverse the rejection. But, solely to promote the allowance of the case and without acquiescing to the Examiner's rejection, a terminal disclaimer over Application No. 10/542,168 is submitted herewith. Thus, Applicants respectfully request that the nonstatutory obviousness-type patenting rejection be withdrawn.

## 3. Art Rejections

The Office Action rejected claims 5–20 under 35 U.S.C. § 103(a) as allegedly being obvious over United States Patent No. 3,531,265 to Dille *et al.* ("Dille") in view of KR 1999-0080808 to Hong *et al.* ("Hong '808"). The Office Action has rejected claims 5–20 under 35 U.S.C. § 103(a) as allegedly being obvious over United States Patent No. 4,439,349 to Everett *et al.* ("Everett") in view of Hong '808. Applicants respectfully traverse.

# The Claims Are Not Obvious Over Everett In View Of Hong '808

New independent claim 21 is directed to a method for deodorization using one or more of nano carbon balls, comprising contacting one or more of the nano carbon balls with a malodorous substance, wherein the malodorous substance is absorbed in the mesoporous shell or the hollow core of one or more of the nano carbon balls, and wherein the step of contacting deodorizes the malodorous substance. Support for new claims 21-27 is found in the originally filed specification, for example, at p. 1, ll. 10–17; p. 2, ll. 5–8; p. 3, ll. 12–25; p. 7, ll. 17 – p. 8, ll. 2; and p. 12, ll. 12–14. Independent claim 21 recites the limitations of cancelled claims 15 and 16, *i.e.*, that the nano carbon ball for deodorization comprises a mesoporous shell having a thickness of 50 nm to 500 nm and a hollow core having a diameter

of 10 nm to 1,000 nm. Therefore, no new matter has been added. Claims 6–14 have been amended to be dependent from new claim 21.

Neither Everett nor Hong '808, taken singly or in combination, teaches or suggests Applicants' metal-impregnated nano carbon balls or Applicants' claimed method of using the nano carbon balls for deodorization. Applicants respectfully point out that Everett does not teach or suggest Applicants' nano carbon balls, said carbon nano ball comprising a mesoporous shell with a thickness of 50 nm to 500 nm and having a hollow core with a diameter of 10 nm to 1,000 nm. Everett's mesoporous carbon is an entirely different structure. Everett seeks to provide a structure have mesoscale size pores by stacking solid spherical carbon particles in an ordered arrangement such that the spaces between the solid particles, referred to as interstitial pores, have the desired dimensions. Specifically, Everett discloses "an adsorbant wide pore carbon comprising a form-stable assembly of a family of contiguous spheroidal (preferably spherical or oblate spherical) carbon particles wherein the surfaces of adjacent contiguous particles define interstitial pores" (see Everett at col. 1, ll. 61-66, emphasis added). In particular, Everett seeks to overcome the drawbacks of the prior art that did not provide means for packing carbon particles in a regular assembly (Id. at col. 1, 11. 34-40). Everett's form-stable assembly is formed by depositing carbonisable solid polymer particles in the desired arrangement, heating the assembly to cause partial degradation of the polymer to create the contiguous form-stable assembly (i.e., to get the carbon particles to link at a point), and then heating the form-stable assembly to carbonize the polymer (Id. at col. 3, Il. 32-51; see also the Example at col. 5, Il. 27-68). According to Everett, the size of such interstitial pores "can be changed in a pre-determinable way by selective variation of the size of the particles" (Id. at col. 2, Il. 14-16). Specifically, "[t]he useful size of a foramen<sup>1</sup> is a dimension of major importance in that it has a major affect on the ability of material to diffuse into and out from the interstitial pores" (Id. at col. 2, Il. 37-40). In sum, Everett has provided an assembly of contiguous solid carbon particles, i.e., particles that touch or contact at a point, such that the space between the particles has a mesoporous pore size, and such that the assembly does not come apart (i.e., the assembly is form-stable).

The Examiner asserts that "[s]ince the carbon spheres are made by making a spherical

Webster's Seventh New Collegiate Dictionary (1970) defines a foramen as: "a small opening, perforation, or orifice" (see page 326).

template, polymerizing a carbonizable polymer over the template, and then carbonizing the carbonizable polymer and degrading the template (example), which is the same as the method of instant specification, the carbon spheres of the art are understood to be hollow, and to have a shell size commensurate with that of instantly claimed carbon spheres." Applicants respectfully disagree with the Examiner' assertion that Everett teaches degrading a template to produce hollow carbon spheres. As pointed out above, Everett teaches heating the assembly of deposited polymer particles to cause partial degradation of the polymer in order to create the contiguous form-stable assembly, i.e., to create an assembly where the spheres does not separate (see, e.g., Id. at col. 3, Il. 32-51; see also the Example at col. 5, Il. 27-68). Furthermore, Everett's carbon particles are not hollow. Everett provides an assembly having interstitial pores between solid carbon particles by stacking an arrangement of polymer particles and producing a non-separable contact between the solid particles. Therefore, one of ordinary skill in the art would not be motivated to derive Applicants' nano carbon balls based on the disclosure of Everett's form-stable assembly of solid carbon particles. Thus, Everett does not teach or suggest Applicant's claimed nano carbon balls. Furthermore, the disclosure in Hong '808 of impregnating microporous activated carbon systems does not cure the deficiencies of Everett. Therefore, Applicants submit that the combined teachings of Everett and Hong '808 do not render obvious Applicants' claimed method of using metalimpregnated nano carbon balls for deodorization.

Accordingly, for at least these reasons, claims 5-20 and new claims 21-27 are not rendered obvious under 35 U.S.C. § 103(a) over the combination of Everett and Hong '808. Applicants respectfully request withdrawal of the rejection.

# The Claims Are Not Obvious Over Dille In View Of Hong '808

Neither Dille nor Hong '808, taken singly or in combination, teaches or suggests Applicants' claimed metal-impregnated nano carbon balls or Applicants' claimed method of using the nano carbon balls for deodorization. Applicants respectfully point out that Dille does not teach or suggest Applicants' nano carbon balls, each carbon nano ball having a mesoporous shell having a thickness of 50 nm to 500 nm and a hollow core having a diameter of 10 nm to 1,000 nm. Dille teaches a method of removing entrained particulate carbon from the gas stream of raw synthesis gas for re-use as feedstock to produce more synthesis gas (*see* Dille at col. 2, ll. 40–46). The particulate carbon is a by-product from the production of the synthesis gas (*Id.* at col. 1, ll. 57–67). Dille's synthesis gas is produced by partial oxidation of a feedstock comprising a mixture of hydrocarbon oil and a concentrated iron hydroxide

flocced carbon-water slurry at a temperature of 1800-3000°F (Id. at col. 1, ll. 11-27 and col. 3, 11, 40 - col, 4, 11, 9). That is, Dille's synthesis gas is formed from the combustion of a hydrocarbon. Dille's particulate carbon is one of the by-products of the combustion process, i.e., a result of the incomplete combustion of the hydrocarbon (col. 4, ll. 10-16). As disclosed in Hong '808, a simple activated carbon is a solid substance obtained by incomplete combustion of hydrocarbons (see Hong '808 at page 4, ll. 23 - page 5, line7). Therefore, according to the disclosure in Hong '808, the by-product particulate carbon disclosed in Dille is an activated carbon. As a result, Applicants' nano carbon balls would not be rendered obvious based on the disclosure of Dille's activated particulate carbon. The Examiner asserts that Dille's particulate carbon is understood to be a mesoporous carbon based on its particle size and its high surface area. But as disclosed on page 5, ll. 1-5 of Hong '808, an activated carbon has a tremendously large surface area, even though it does not have a mesoporous structure. Furthermore, Applicants' nano barbon balls is at least about 110 nm in diameter (i.e., a mesoporous shell about 50 nm thick surrounding a hollow core about 10 nm in diameter), which is much larger than Dille's 70 nm particulate carbon. As disclosed on page 3, Il. 17-19 of the application, Applicants developed the method of deodorization using the metal-impregnated nano carbon balls to overcome the limitations of impregnated activated carbon, where the deodorizing ability tends to deteriorate due to clogging of the pores. Therefore, the disclosure in Hong '808 of impregnating microporous activated carbon systems does not cure the deficiencies of Dille. Applicants submit that the combined teachings of Dille and Hong '808 do not render obvious Applicants' claimed method of deodorization using metal-impregnated nano carbon balls.

Accordingly, for at least these reasons, claims 5-20 and new claims 21-27 are not rendered obvious under 35 U.S.C. § 103(a) over the combination of Everett and Hong '808. Applicants respectfully request withdrawal of the rejection.

# **CONCLUSION**

Applicants respectfully request that the foregoing amendments and remarks be made of record in the file of the above-identified application. Applicants believe that each ground for rejection has been successfully overcome or obviated, and that all pending claims are in condition for allowance. Withdrawal of the rejections, and allowance of the application, are respectfully requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

No fee is believed due in connection with this response. In the event that a fee is required, please charge any such fees to Jones Day Deposit Account No. 50-3013.

Sandre D. M. Frances

for: Anthony M. Insogne

Date: January 9, 2008

Sandra D. M. Brown

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threatened violence or pressure; CONSTRAIN suggests the effect of a force or circumstance that limits freedom of action or choice; OBLIGE implies the constraint of necessity, law, or duty—force one's hand; to cause one to act precipitously: force one to reveal his purpose or intention forced. \(\force\) fi\(\force\) in \(\force\) fi\(\force\) adj 1: compelled by force: INVOLUMINAY 2: done or produced with effort, exertion, or pressure—forced-ly \(\force\) fors-\dot dj\(\force\) force feed n: a lubricating system (as in an internal-combustion engine) in which the lubricant is supplied under pressure force-feed \(\force\) fors-\force\(\force\) force feed as an animal) by forcible administration of food force-ful \(\force\) fors-\force\(\force\) force\(\force\) force\(\force

i vicorous — force fully \ fo-is\ adv — force ful ness n force ma-jeure \ for-sma-'zhar, for-\ n [F]: superior or irresignible force force meat \ for-sma-'zhar, for-\ n [F]: superior or irresignible force force meat \ for-sma-'zhar, for-\ n [F]: superior or irresignible force force

fore-and-aft-er \-'nat-tor\ n : a snip with a fore-and-aft rig; sp : SCHOONER
fore-and-aft rig n : a sailing-ship rig in which most or all of the sails are not attached to yards but are bent to gaffs or set on the masts or on stays amidships
'fore-arm \'for-arm, 'for-arm, 'for-\ n : the part of the arm between the elbow and the wrist; also: the corresponding part in other verte-

orates
fore-bear or for-bear \'for-,ba(a)r, 'for-, -,be(a)r\ n [ME (Sc)
forebear, fr. fore- + -bear (fr. been to be)]: ANCESTOR, FOREFATHER

fore-bear or for-bear \"för-,ba(=)r, "för-, -,be(=)r\ n [ME (Sc) fore-bear, fr. fore- + -bear (fr. been to be] : ANCESTOR, FOREPATHER — usu. used in pl.

fore-bode also for-bode \"för-böd, för-\"vil: FOREFELL, PORTEND \(
\) (such heavy air \top- storm) 2: to have an inward conviction of (as coming ill or misfortune) \( \sim vi! \text{ AUGUR, PREDICT } - \) fore-bod-ing n: an omen, prediction, or presentiment esp. of coming evil: PORTENT

fore-bod-ing adj: indicative of or marked by foreboding — fore-bod-ing-ly \-\fig-\fig|-\fig| \ \ dv \ — fore-bod-ing-ness n

fore-brain \"för-, bran, "för-\ n 1: the anterior of the three primary divisions of the developing vertebrate brain 2 a: the part of the brain of the adult that develops from the embryonic fore-brain and includes the telencephalon and diencephalon b: TELEN-CEPHALON

of the brain of the auth that develops not the channels brain and includes the telencephalon and diencephalon B:TELENCEPHALON
16076-Cast \'fōr-,kast, 'for-\ vb forecast or fore-cast-ed; forecast-ing vr 1 archaic: to plan ahead: Scheme 2 a: to calculate or predict (some future event or condition) usu. as a result of rational study and analysis of available pertinent data; esp; to predict 
(weather conditions) on the basis of correlated meteorological 
observations b: to indicate as likely to occur 3: to serve as a 
forecast of: PRESAGE ~ wl: to calculate the future syn see ForeTELL — fore-cast-er n

10076-cast 1 obs a: previous determination b: PLAN, DESIGN 
2 archaic: foresight of consequences and provision against them 
:FORETHOUGHT 3: a prophecy, estimate, or prediction of a future 
happening or condition

1076-cast-tle \'fōk-sol; 'fōr-,kas-ol, 'fōr-\ n 1: the part of the upper 
deck of a ship forward of the foremast or of the fore channels 
2: the forward part of a merchantman where the sailors live 
1076-close, \(for-\) for sourside \((fr. L) forls) + clore to close — more at 
FORUMB \(vl) 1: to shut out: \(for-\) to BME \(for-\) fore to close — more at 
fore-close \(for-\) to foreclose a mortgage 
1076-close \(for-\) to foreclose a mortgage 
1076-close \(for-\) \(for-\) for \(for-\) n : the forepart of a ship's main deck 
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right of redeeming a mortgaged estate fore-deck \for-,dek, 'for-\ n : the forepart of a ship's main deck fored over of FORD fore-doom \for-,dim, 'for-\ n archaic: consignment in advance to a particular fate: DESTINY fore-doom \for-'dim, for-\ vt: to doom beforehand fore-face \for-,fas, 'for-\ n : the part of the head of a quadruped that is in front of the eyes fore-fa-ther \for-,fakh-or, 'for-\ n 1: ANCESTOR 1a 2: a person

of an earlier period and common fore-feel \(')for-'fE(a)\, (')for-forefeed var of FORFEND fore-fininger \('for-fininger\)\) — called also index finger fore-foot \('for-finit\)\) for-fininger \('for-finit\)\) and keel meet fore-front \('-frant\)\ n : the foregather var of FORGATHER \('oregather\)\) for-\('got\)\) in \('got\)\) in \('got\)\) in \((cong \text{init\})\) of \(cong \text{init\})\) of \((cong \text{init\})\) of \

fore.go.ing \-'gō-in, -'gō(-)ing CEDING
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fore.gone onclusion n 1: ac
or examination 2: an inevit
fore-ground \'fōr-,graund, 'fō
sentation that is nearest to a
position of prominence : FoRI
fore-gruind \'fōr-,graund, 'forvertebrate embryo that deve
stomach, and extreme anterio
fore-hand \'fōr-,hand, 'fōrADVANTAGE 2: the part of
is before the rider 3: a fore
(as in tennis or racquets); also
which such strokes are made
forehand adv : with a forehar
sforehand add 1 obs : done
advance: PRIOR 2: made w.
of the hand turned in the
which the hand is moving
stroke)

of the hand turned in the which the hand is moving stroke) fore-hand-ed \"för-han-ded," iTHRIFTY, PRUDENT b: comf HAND 2—fore-hand-ed-ly a fore-head \"för-eh. hand-ed-ly a fore-head \"för-eh. hand-ed-ly a fore-head \"för-eh. "fär-; "för-above the eyes 2: the front fore-hoof \"för-huif, "för-, hi för-lign \"för-en, "fär-\ adj [I the outside, fr. L foris outside side a place or country: esp : 2: born in, belonging to, or clother than the one under coproceeding from some other punder consideration 4: all pertinent 5: related to or curring in an abnormal situati introduced from without 7: political unit (as a state) 8 \( \cdots - \) non-si\n n foreign bill n: a bill of excluding a particular jurisdiction for-eign-er \"för-e-niz-em, foreign exchange n 1: a pro tween persons residing in diffe or current short-term credit for-eign-ism \"för-e-niz-em, foreign language or people; yer foreign diffe or for-judge \( \cdots - \) for-index \( \cdots - \cdots - \) for-index \( \cdots - \c

gous to a foreign fore-lock \\_i\text{ikk} \ n : a lock of head fore-man \for-man, \for-\n : of a jury who acts as chairman often specially trained worker leads a gang or crew (2): a workers, a particular operatic man-ship \\_ship\, n fore-mask \\_mask \\_mask \\_mst\ n : 1 first-fore-mask \\_mask \\_mask \\_mst\ n : 1 first-fore-most \fore-most \

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